

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

* * * * *

JAMES RIVER EQUIPMENT *
VIRGINIA, LLC, *
Plaintiff * Civil Action No.
vs. * 5:13-cv-28160
JUSTICE ENERGY *
COMPANY, INC., *
Defendant *

* * * * *

DEPOSITION OF

JAMES MILLER

March 14, 2019

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1 DEPOSITION
2 OF
3 JAMES MILLER, taken on behalf of the Defendant herein,
4 pursuant to the Rules of Civil Procedure, taken before
5 me, the undersigned, Bradley Scott, a Court Reporter and
6 Notary Public in and for the State of West Virginia, at
7 the law offices of Carey, Scott, Douglas & Kessler, PLLC,
8 707 Virginia Street, East 901 Chase Tower, Charleston,
9 West Virginia on Thursday, March 14, 2019 beginning at
10 12:24 p.m.

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A P P E A R A N C E S

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WITNESS: JAMES MILLER

4 EXAMINATION

5 By Attorney Westfall

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OBJECTION PAGE

ATTORNEY

PAGE

NONE MADE

S T I P U L A T I O N

2 -----
3 (It is hereby stipulated and agreed by and between counsel
4 for the respective parties that reading, signing, sealing,
5 certification and filing are not waived.)

7 P B O C E E D I N G S

9 JAMES MILLER,
10 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
11 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
12 FOLLOWS:

13 ---

14 EXAMINATION

15 ---

16 BY ATTORNEY WESTFALL:

17 Q. Could you state your name, please?

18 A. James Terry, with a Y, Miller.

19 Q. Mr. Miller, my name's Fred Westfall. I'm with
20 the U.S. Attorney's Office. We're here to take your
21 deposition today in connection with the James River
22 Equipment Company versus Justice Energy Company,
23 Incorporated case.

I have just a few questions for you. Anytime

1 you do not understand or do not hear a question that I've
2 asked, if you'll let me know I'll be happy to repeat or
3 rephrase the question for you.

4 Have you ever been deposed before?

5 A. Yes, sir, I have.

6 Q. Basic ground rules, you need to give verbal
7 responses to the questions because the court reporter
8 can't record gestures or nods of the head. And anytime
9 you need to take a break, feel free to let me know and
10 I'll be happy to take a break for you. But I don't think
11 it's going to last long enough for you to take a break.

12 A. Yes, sir.

13 Q. I was going over some documents that were
14 provided to me and in Exhibit Number 1 and there's some
15 documents in front of me. There's Exhibit Number 1,
16 you're listed as a secretary and treasurer of Justice
17 Energy Company, Incorporated. Here you go.

18 A. Yes, sir.

19 Q. Okay.

20 And Mr. Ball previously testified in this case
21 and it's my understanding that you do not have any
22 involvement in the day-to-day operations of Justice
23 Energy Company, Incorporated.

24 Is that correct?

1 A. That is correct.

2 Q. And do you have any real involvement in the
3 corporate activities of Justice Energy Company,
4 Incorporated?

5 A. No, sir.

6 Q. Can you tell me which companies that you are,
7 and in terms of the Justice Companies, which companies
8 you do have an involvement in?

9 A. On the ---?

10 Q. Let's start first --- let me ask the question
11 this way, do you have any day-to-day involvement of any
12 of the Justice Companies?

13 A. Yes.

14 Q. And which ones are those?

15 A. I'm Vice President of Operations at the
16 Greenbrier Hotel Corporation.

17 Q. Okay.

18 In terms of the coal companies and the related
19 coal companies, do you have any day-to-day involvement in
20 their operations?

21 A. There's one coal company, Black Stone Energy.
22 I handle the wire transfers for them.

23 Q. And where's that company located?

24 A. It's based in Beckley.

1 Q. Any other daily involvement or operation ---
2 let me rephrase the question. Any other operational
3 involvement in any of the other Justice Coal companies or
4 their related companies?

5 A. No, sir.

6 Q. And just out of curiosity, what do you do at
7 the Greenbrier?

8 A. I'm Vice President of Operations. I have nine
9 departments that report to me. Food and beverage,
10 retail, spa, casino, golf, entertainment, purchasing,
11 warehouse, and one other that I forget.

12 Q. And do you have any involvement with that nice
13 football field that I saw on the way?

14 A. That's not one of mine.

15 Q. Okay. It looked very nice though.

16 A. There's three fields actually.

17 Q. Yeah, I saw one on the way back from seeing my
18 daughter in Richmond and I was pretty impressed. Because
19 I haven't been down that way in a while.

20 In terms of the Blue Stone companies, are you
21 on any of the boards of the Blue Stone companies?

22 A. No, sir, I'm not.

23 Q. And on terms of Black Stone Energy, are you on
24 the board of Black Stone Energy?

1 A. No, sir.

Q. Are you an officer, a corporate officer in any
of the Blue Stone companies?

4 A. Yes, sir. I believe I'm secretary treasurer of
5 those also.

6 Q. Okay.

7 And what about JCJ Coal Group, LLC? Do you
8 have any --- do you have any position with that company?

9 A. I'm probably secretary treasurer but I can't
10 say for sure.

11 Q. And in terms of the Blue Stone companies, do
12 you have any involvement of the corporate activities of
13 those companies?

14 A. No, sir.

15 O. Okav.

16 I think that's all I got. I can't think of
17 anything else. Thank you very much, sir.

18 ATTORNEY CAREY: We don't have any
19 questions and we'll read.

* * * *

DEPOSITION CONCLUDED AT 12:28 P.M.

* * * *

1 STATE OF WEST VIRGINIA)

2 CERTIFICATE

3 I, Bradley Scott, a Notary Public in and for
4 the State of West Virginia, do hereby certify:

5 That the witness whose testimony appears in the
6 foregoing deposition, was duly sworn by me on said date,
7 and that the transcribed deposition of said witness is a
8 true record of the testimony given by said witness;

9 That the proceeding is herein recorded fully
10 and accurately;

11 That I am neither attorney nor counsel for, nor
12 related to any of the parties to the action in which
13 these depositions were taken, and further that I am not
14 a relative of any attorney or counsel employed by the
15 parties hereto, or financially interested in this
16 action.

17 I certify that the attached transcript meets the
18 requirements set forth within article twenty-seven,
19 chapter forty-seven of the West Virginia Code.

